
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Juan Carlos Cacho Alvelo)	File No.: EB-FIELDSCR-17-00024744
Owner/Registrant of an Emergency Position)	
Indicating Radiobeacon)	
Vega Baja, Puerto Rico)	
)	

NOTICE OF VIOLATION

Released: August 30, 2017

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Juan Carlos Cacho Alvelo, owner/registrant of an Emergency Position Indicating Radiobeacon ("EPIRB") in Vega Baja, Puerto Rico. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. The FCC Operations Center received a call from the U.S. Coast Guard Sector San Juan, Puerto Rico, requesting assistance in locating interference to the safety and distress frequency of 406.0 MHz. On June 27, 2017, an agent of the Enforcement Bureau's San Juan Office used direction finding techniques to locate an active EPIRB operating on both 121.5 MHz and 406.0 MHz in Vega Baja, Puerto Rico, and observed the following violation(s):

- a. 47 CFR § 80.1061(f): "To enhance protection of life and property it is mandatory that each 406.0 - 406.1 MHz EPIRB be registered with NOAA before installation and that information be kept up-to-date... Vessel owners shall advise NOAA in writing upon change of vessel or EPIRB ownership, transfer of EPIRB to another vessel, or any other change in registration information." On June 27, 2017, the 406 MHz EPIRB with ID Code: ADCD020A2D00401, was not registered to Mr. Juan Carlos Cacho Alvelo or his vessel.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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- b. 47 CFR § 80.1161: “EPIRB transmissions must be used **only** under emergency conditions...” On this date, the agent found the EPIRB activated in the absence of any actual emergency situation on a small vessel located at a private residence in Vega Baja, Puerto Rico.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Juan Carlos Cacho Alvelo must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Office of Director – Region Two
3600 Hiram Lithia Springs RD SW
Powder Springs, GA 30127

5. This Notice shall be sent to Juan Carlos Cacho Alvelo at his address of record.

6. The Privacy Act of 1974⁵ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage
Regional Director
Region Two
Enforcement Bureau

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 1.89(c).

⁵ P.L. 93-579, 5 U.S.C. § 552a(e)(3).